

Notice of Allowability

Application No.

10/622,534

Examiner

Hoa V. Le

Applicant(s)

FUJITA ET AL.

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12 and 17 November 2005.
2. ☒ The allowed claim(s) is/are 1-10 and 13-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 12 November 2005 ⁴
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

This is in response to Papers filed on 12 and 17 November 2005.

I. Applicants' prior art submission filed on 12 November 2005 has been considered but is cumulative to that in Paper filed on 27 August 2004.

II. The following is an examiner's statement of reasons for allowance:

Patentees in the machine English language translations of Japanese Patent Nos. '067 and '068 filed on 27 August 2004 and 12 November 2005 disclose, teach and suggest that there may be used a benzenesulfonic acid or its salt containing compound in a high-concentration color photographic developer. However, there is no demonstration or reduction to practiced in any of the working examples that uses the benzenesulfonic acid or its salt containing compound to obtain or recognize its benefit. Therefore, no evidence of any benefit of the use of a benzenesulfonic acid or its salt containing compound to be contributed in the art in accordance with the authority stated in *In re Baird*, 29 USPQ2d 1550. In addition, applicants demonstrate and reduce to practice in Examples of the instant application with the use of sodium p-toluenesulfonate (salt of a benzenesulfonic acid)

that provides better result than the color photographic developing compositions containing (i) no sodium p-toluenesulfonate and (ii) sodium p-toluenesulfonate and triisopropanolamine (an alkanolamine containing compound). Furthermore, patentees in the machine English language translations of Japanese Patent Nos. '067 and '068 disclose, teach and suggest the use of both of (*) benzenesulfonic acid or its salt containing compound and (**) an alkanolamine in the same color photographic developing compositions. Accordingly, applicants are sufficiently shown that there are some advantages for the elected material (chemical composition) claims over the teachings and suggestions in Japanese Patent Nos. '067 and '068. The results as shown, demonstrated and reduced to practice would be contributed some advances and benefits to the photographic art.

Claims 13-20 are permitted to be rejoined with the allowable material claim 1 since they contained the allowable language "the concentration of the composition according to claim 1".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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III. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

The examiner can normally be reached from 6:30 AM to 4:00 PM on Monday through Thursday and about the same time of most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526.

Applicants may file a paper by (1) fax with a central facsimile receiving number 571-273-8300 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoa V. Le
Primary Examiner
Art Unit 1752

HOA VAN LE
PRIMARY EXAMINER



HVL
16 February 2006